

and most of the drivers of such vehicles do not hold chauffeurs' licenses as required for drivers of other vehicles transporting passengers; and

Whereas, Several serious accidents involving these types of vehicles have occurred in recent years with considerable loss of human life; and

Whereas, Under present law, no state or federal agency has specific responsibility for the regulation of such transportation of migrants; and

Whereas, There are no applicable laws, rules, or regulations concerning frequency of stops and rest periods for passengers in such vehicles; and

Whereas, Some camps and facilities for migrant workers en route to and from employment areas are operated under questionable conditions from the standpoint of health and sanitation; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That the Texas Legislative Council be requested to study the transportation of Texas migrant workers, including safety and health aspects of both vehicles and camps and other facilities used by migrant labor en route to or from employment areas; and, be it further

Resolved, That state agencies concerned with this problem, including the Bureau of Labor Statistics, the Texas State Department of Health, the Railroad Commission, the Department of Public Safety, and the Good Neighbor Commission, be requested to cooperate with the Council in making this study; and, be it further

Resolved, That the Texas Legislative Council make a report of its findings, together with such recommendations as it may deem desirable, to the Fifty-fifth Legislature.

SHIREMAN  
KELLEY

The resolution was read.

On motion of Senator Shireman and by unanimous consent the resolution was considered immediately and was adopted.

#### Executive Session

On motion of Senator Aikin, and by unanimous consent, the Senate agreed to hold an executive session at 1:05 o'clock p. m. today.

Accordingly, the President directed all those not entitled to attend the

executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be members of the State Board of Dental Examiners for six-year terms to expire May 24, 1961: Dr. H. Arthur Zappe of Mineral Wells, Palo Pinto County; Dr. Jack R. Winston of Houston, Harris County.

#### In Legislative Session

The President called the Senate to order as in Legislative Session at 1:13 o'clock p. m. today.

#### Adjournment

On motion of Senator Hardeman the Senate at 1:15 o'clock p. m. adjourned until 10:30 o'clock a. m. on Monday, May 23, 1955.

#### SIXTY-FIFTH DAY

(Monday May 23, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Corbin

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation, as follows:

"Our Heavenly Father, we know not what the future holds. We do know who holds the future. Help us to know the power and peace of a fearless faith; remembering that we are a part of all of Texas; and placing our hands in Thine, we pray that Thou wilt lead us safely through this week. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 20, 1955, was dispensed with and the Journal was approved.

#### Leave of Absence

Senator Corbin was granted leave of absence for today on account of important business on motion of Senator Moore.

#### Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,  
May 23, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 666, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 23, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 428, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 23, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 441, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

#### Senate Resolution 373

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 24 students from the Montalba High School of Anderson County, accompanied by their teacher, Mr. C. E. Wilbanks; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Moore, by unanimous consent, presented the students and Mr. Wilbanks to the Members of the Senate.

#### Senate Resolution 374

Senator Rogers of Childress offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Senior Class of Estelline High School, accompanied by Mrs. J. A. Ballard and Mrs. J. R. Adamson; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Rogers of Childress, by unanimous consent, presented the students, Mrs. Ballard and Mrs. Adamson to the Members of the Senate.

## Senate Resolution 375

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery the Fifth Grade from Carver Elementary School in Galveston, Texas, accompanied by C. W. Moore, Mrs. Overton and Mrs. Clark, teachers; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Phillips, by unanimous consent, presented the students, Mr. Moore, Mrs. Overton and Mrs. Clark to the Members of the Senate.

## House Bill 878 on Second Reading

Senator Hardeman asked unanimous consent to suspend the regular order of business and take up H. B. No. 878 for consideration at this time.

There was objection.

Senator Hardeman then moved to suspend the regular order of business and take up H. B. No. 878 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—24

Aikin	Moore
Ashley	Owen
Bracewell	Ratliff
Colson	Roberts
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Wagonseller
Lock	Weinert
McDonald	Willis
Moffett	

## Nays—4

Fly                      Parkhouse  
Martin                 Strauss

## Absent

Hazlewood           Phillips

## Absent—Excused

Corbin

The President laid before the Senate on its second reading the following bill:

H. B. No. 878, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16, of the Constitution, to be known as 'Reagan County Water Supply District'; conferring upon the district the powers of the general laws governing water control and improvement districts where not in conflict with this Act; providing for the governing body of the district; providing for the issuance of bonds and fixing a limitation thereon; providing for refunding bonds; adopting the ad valorem plan of taxation for said District eligible for investments, and exempting the property and the bonds of the District from taxation; finding a benefit; providing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following amendment to the bill:

Amend H. B. No. 878 by striking out Section 2 and substituting in lieu thereof the following:

"Section 2. The District shall have and exercise, and is hereby vested with all of the rights, powers, privileges and duties conferred and imposed by the General Laws of this State now in force or hereafter enacted, applicable to water control and improvement districts created under authority of Section 59, Article 16, of the Constitution, but to the extent that the provisions of any such General Laws may be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such General Laws are hereby incorporated by reference with the same effect as if incorporated in full in this Act. Provided, that the District shall not be empowered to exercise the power of eminent domain outside the boundaries of the District, except for the condemnation of ease-

ments and rights-of-way for ditches or pipe lines for the transportation of water."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend H. B. 878 by striking out Engrossed Rider No. 1 amending Sec. 3 of the bill and inserting in lieu the following:

"Sec. 3. The management and control of the District is hereby vested in a board of directors which shall have all of the powers and authority conferred and imposed upon boards of directors of water control and improvement districts organized under the provisions of Chapter 25, Acts of the Thirty-ninth Legislature passed in 1925, and amendments thereto, as incorporated in Title 128, Chapter 3A, of Vernon's Civil Statutes of the State of Texas, and amendments thereto. The board of directors shall be composed of five (5) members. No person shall be appointed a director unless he resides in and owns taxable property in the district, and who has duly rendered the same for taxation. All directors shall subscribe to the Constitutional Oath of office and give bond in the amount of Five Thousand Dollars (\$5,000). No member of a governing body of any city or town, and no employee of a city or town, and no member of the governing body of the county in which the district is situated, and no employee of the county in which the district is situated, shall be a director. In the event and to the extent that any of the provisions of the general laws referred to in this Section are in conflict with or inconsistent with any of the provisions of this Act relating to the appointment, powers, authority and duties of the board of directors and its members, the provisions of this Act shall prevail. The board of directors shall be appointed by a Citizens Committee. The Citizens Committee shall consist of three (3) members appointed as follows: one (1) to be appointed by the Commissioners Court of Reagan County, Texas, one (1) to be appointed by the City Council of the City of Big Lake, Texas, and the third member to be appointed by the two (2) members so appointed by the Commissioners Court of Reagan County and the City Council of the City of Big Lake. Any vacancy on the Citizens Committee shall be filled by

the entity that he represents, or, if it be the committeeman appointed by the two entities, then the existing committeemen shall appoint the third member as provided for in the original committee.

The first Citizens Committee shall be appointed as follows: The Commissioners Court of Reagan County, Texas, and the City Council of the City of Big Lake, Texas, shall appoint its respective committeeman to the Citizens Committee within ten (10) days from the effective date of this Act, or as soon as possible thereafter. The third member of the Citizens Committee shall be appointed by the aforementioned committeemen within five (5) days from the date said committeemen qualify, or as soon as possible thereafter. The first Citizens Committee shall serve until April 1, 1956, or until their successors have been appointed and have qualified. A new Citizens Committee shall be appointed on April 1, 1956, or until their successors have been appointed and have qualified. A new Citizens Committee shall be appointed on April 1, 1956, and on April 1st of each year thereafter, or as soon thereafter as possible, and the appointments are to be made in the same manner and way as provided for in this Act for the appointment of the first Citizens Committee. Nothing in this Act is to be construed as prohibiting the reappointment of the same person to serve on successive Citizens Committee or Board of Directors. The Citizens Committee shall serve without pay or compensation.

The Citizens Committee is hereby authorized and empowered to appoint five (5) persons qualified under the law to serve as directors of the District until their successors shall have been duly appointed and qualified. Vacancies on the Board of Directors shall be filled by the Citizens Committee for the unexpired term. The Board of Directors of the District is authorized to combine the office of the Secretary-Treasurer of the District and may appoint a Secretary-Treasurer who may or may not be a member of the Board. Two (2) of the directors first appointed shall serve until the first day of May, 1956, and three (3) of such directors shall serve until May 1, 1957. The Citizens Committee shall appoint successors to said first two (2) directors on May 1, 1956, for a term of two (2) years and shall appoint successors to the said first three (3) directors on

May 1, 1957, who shall serve for a term of two (2) years. Such directors shall continue to be appointed in like manner thereafter for terms of two (2) years. The Board of Directors shall select from its members a President and a Vice-president of the District, and such other officers as in the judgment of the Board are necessary. All directors shall qualify and file their bonds and take the oath of office in the manner provided by the general laws governing water control and improvement districts. The Treasurer shall give bond in such amount as the Board may require and conditioned that he will faithfully account for all money which shall come into his custody as Treasurer of the District. The Board may appoint all necessary engineers, attorneys and other employees and provide for their compensation. The Board shall adopt a seal for the District. A majority of the Board shall constitute a quorum for the transaction of business. The President shall be the Chief Executive Officer of the District and the presiding officer of the Board and shall have the same right to vote as any other director. The Vice-president shall perform all duties and exercise all powers conferred on the President when the President is absent or fails or refuses to act. Each director shall receive a fee of Five Dollars (\$5) for attending each meeting of the Board and shall be entitled to reimbursement for actual expenses incurred in attending to business of the District, providing such services and expenses are expressly authorized and approved by the Board and shown in the minutes and the records of the Board."

The amendment was adopted.

#### Record of Vote

Senators Parkhouse and Fly asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Hardeman offered the following amendment to the bill:

Amend H. B. 878, Sec. 4, line 10, page 4, by inserting the words "nor later than ninety (90) days" between the words "days" and "after."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend H. B. 878 by adding thereto Section 6-a as follows:

"Section 6-a. All bonds issued by this District shall be secured by both ad valorem taxes and revenues as provided for by the General Laws of this State now in force or hereafter enacted applicable to water control and improvement districts created under authority of Section 59, Article 16, of the Constitution of Texas, and said bonds and refunding bonds shall be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas in the manner prescribed by said General Laws."

The amendment was adopted.

Senator Parkhouse offered the following amendment to the bill:

Amend House Bill No. 878 by striking out the last sentence in Section 4.

On motion of Senator Hardeman the amendment was tabled.

#### Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the motion to table the above amendment.

Senator Parkhouse offered the following amendment to the bill:

Amend House Bill No. 878 by striking out all of Section 6 and inserting in lieu thereof the following:

"Section 6. All bonds issued by the District shall be revenue bonds and no taxes shall be levied by the District for the purpose of securing such bonds."

On motion of Senator Hardeman the amendment was tabled.

#### Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the motion to table the above amendment.

Senator Parkhouse offered the following amendment to the bill:

Amend House Bill No. 878 by striking out Section 1 and inserting in lieu thereof the following:

"Section 1. Under and pursuant to the provisions of Section 59, Article 16 of the Constitution, a conservation and reclamation district is hereby created and incorporated in Reagan County, thereafter to be known as 'Reagan County Water Supply District No. 1,' hereinafter sometimes referred to as 'District' and such Dis-

trict shall include all of the incorporated area of the city of Big Lake, and the boundaries of said District shall be identical with the boundaries of said city."

On motion of Senator Hardeman the amendment was tabled.

#### Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the motion to table the above amendment.

Senator Parkhouse offered the following amendment to the bill:

Amend House Bill No. 878 by striking out Section 6 and inserting in lieu thereof the following:

"All taxes hereafter levied by the District shall be on a use basis and no hearing shall be required on a plan of taxation. The District shall determine, in accordance to use, the tax rate to be charged throughout the District."

On motion of Senator Hardeman the amendment was tabled.

#### Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the motion to table the above amendment.

On motion of Senator Hardeman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### Record of Votes

Senators Parkhouse and Fly asked to be recorded as voting "Nay" on the passage of H. B. No. 878 to third reading.

#### House Bill 878 on Third Reading

Senator Hardeman moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 878 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hardeman
Ashley	Hazlewood
Bracewell	Kazen
Fly	Kelley

Lane	Roberts
Latimer	Rogers
Lock	of Childress
Martin	Rogers of Travis
McDonald	Secrest
Moffett	Shireman
Moore	Strauss
Owen	Wagonseller
Phillips	Weinert
Ratliff	Willis

Nays—1

Parkhouse

Present—Not Voting

Colson

Absent

Fuller

Absent—Excused

Corbin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Parkhouse and Fly asked to be recorded as voting "Nay" on the final passage of H. B. No. 878.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
May 23, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on S. J. R. No. 2.

S.B. No. 368, A bill to be entitled "An Act amending Articles 1.02, 1.03 and 1.04 of the Insurance Code, Acts 52nd Legislature, Regular Session, 1951, Chapter 491, page 868, relating to the creation and organization of the Board of Insurance Commissioners, the terms of office of the Commissioners, and their duties; repealing all laws and parts of laws in conflict therewith; providing a savings clause; and declaring an emergency."

The House has adopted the Conference Committee report on Senate Bill No. 209 by a vote of 106 ayes, 11 noes.

S. B. No. 263, A bill to be entitled "An Act to amend Chapter 478 of the General and Special Laws of Texas, 45th Legislature, Regular Session, 1937, as amended by Senate Bill No. 461, page 62, Volume 1, General Laws, 46th Legislature, Regular Session, 1939, Chapter 301 of the General and Special Laws of the 47th Legislature, Regular Session, 1941, Chapters 155 and 274 of the General and Special Laws of Texas, 48th Legislature, Regular Session, 1943, Chapters 259 and 473 of the General and Special Laws of Texas, 52nd Legislature, Regular Session, 1951, said laws pertaining to Architecture and presently known as Title 10A, Articles 249a and 249b of Vernon's Revised Civil Statutes of the State of Texas so as to amend and revise the Laws of Texas relating to Architects and the Practice of Architecture, and declaring an emergency."

(With amendments.)

S. B. No. 284, A bill to be entitled "An Act providing for the form and contents of accident and sickness insurance policies issued in this State; defining certain terms for the purpose of this act; declaring this act to be applicable to life, health and accident companies, mutual life insurance companies, fraternal benefit societies, mutual assessment life insurance companies, local mutual aid associations, mutual or natural premium life or casualty insurance companies, general casualty companies, Lloyds, reciprocal or inter-insurance exchanges or any other insurer which by law is required to be licensed by the Board of Insurance Commissioners; excepting certain exempt societies and companies from the provisions of this act; providing procedure for filing policy forms, making certain provisions relative to the application for insurance; declaring that an insurer does not waive defense to any claim by acknowledging receipt of notice or furnishing claim forms; making certain provisions relative to the effect of age limits in policies; declaring this act to be inapplicable to certain policies; providing penalties for violation of the provisions of this act; repealing all laws in conflict herewith; declaring the provisions of this act to be severable and declaring an emergency."

(With amendments.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives.

### House Bill 714 on Second Reading

Senator Aikin asked unanimous consent to suspend the regular order of business and take up H. B. No. 714 for consideration at this time.

There was objection.

Senator Aikin then moved to suspend the regular order of business and take up H. B. No. 714 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Ashley	Owen
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
McDonald	Willis
Moffett	

Nays—1

Bracewell

Absent

Martin	Weinert
Parkhouse	

Absent—Excused

Corbin

The President laid before the Senate on its second reading the following bill:

H. B. No. 714, A bill to be entitled "An Act defining and prohibiting unfair practices with a view to preventing the offering for sale or the selling of merchandise below cost for the purpose of injuring, destroying, or substantially lessening competition; providing remedies for violation thereof; establishing a penalty therefor; providing a saving clause; repealing all laws and parts of laws in conflict therewith to the extent of the conflict; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following committee amendment to the bill:

Amend House Bill 714 by striking out all of item (4) of Section 2(a).

Senator Kelley moved to table the committee amendment.

The motion to table was lost.

Question recurring on the committee amendment, it was adopted.

#### Record of Vote

Senator Hazlewood asked to be recorded as voting "nay" on the adoption of the above amendment.

Senator Aikin offered the following committee amendment to the bill:

Amend House Bill No. 714, Section 5, by striking out the second sentence in said Section No. 5, which reads as follows:

"Any duly organized and existing trade association, whether incorporated or not, is hereby authorized to institute and prosecute a suit or suits for injunctive relief and costs, provided for under the terms of this Act, as the real party in interest for and on behalf of one or more of said association's members, when violation of this Act directly or indirectly affects or threatens to affect or injure such member or members."

The committee amendment was adopted.

Senator Aikin offered the following committee amendment to the bill:

Amend H. B. No. 714, Sec. 7, by striking out the comma after the word prosecuted and substituting a period therefor, and striking out the remainder of the sentence.

The committee amendment was adopted.

On motion of Senator Aikin, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to third reading.

#### House Bill 714 on Third Reading

Senator Aikin moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 714 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moore
Ashley	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagon seller
McDonald	Willis
Moffett	

Nays—2

Bracewell Weinert

Absent—Excused

Corbin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Weinert and Bracewell asked to be recorded as voting "nay" on the final passage of H. B. No. 714.

#### Conference Committee on House Bill 739

Senator McDonald called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 739 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators McDonald, Owen, Roberts, Moore and Secrest.

#### Senate Resolution 376

Senator Moore offered the following resolution for Senator Corbin:

Whereas, We are honored today to have in the gallery of the Senate, 15 students from Tahoka High School in Lynn County, accompanied by their



teachers, Benny D. Pryor, Mrs. Joy Daniel and Mrs. Benny Pryor; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

MOORE  
CORBIN

The resolution was read and was adopted.

Senator Moore, by unanimous consent, presented the students, Mr. Pryor, Mrs. Daniel and Mrs. Pryor to the Members of the Senate.

#### Senate Resolution 377

Senator Aikin offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Senior Class of Deport High School, accompanied by their sponsor, Mr. L. P. Griffiths; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Aikin, by unanimous consent, presented the students and Mr. Griffiths to the Members of the Senate.

#### Bills and Resolution Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

S. C. R. No. 60, Requesting Com-

missioner of Education to continue Committee for Study of Television for Schools.

S. B. No. 266, A bill to be entitled "An Act amending Article 7122 of the Revised Civil Statutes of Texas (1925), as amended by the Acts of the 43rd Legislature, Regular Session, Chapter 192, so as to provide that the religious, educational or charitable organization included in the exemption under said Article may be incorporated, unincorporated or in trust form, so as to include in the exemption such of the property passing to or for the use of the United States or such organization as is irrevocably committed for use within the State of Texas; etc.; and declaring an emergency."

S. B. No. 254, A bill to be entitled "An Act requiring the taking of a course in history, ideals, and traditions of the American way of life by every person receiving a degree from any state supported College or University; and declaring an emergency."

#### Senate Resolution 378

Senator Wagonseller offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Mr. E. P. Chastain and his Senior Class of ten pupils from Santo, Texas, Palo Pinto County; and

Whereas, We desire to welcome these distinguished guests to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized, and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Wagonseller presented the students and Mr. Chastain to the Members of the Senate.

#### Committee Substitute House Bill 53 on Second Reading

Senator Strauss asked unanimous consent to suspend the regular order of business and take up C. S. H. B. No. 53 for consideration at this time.

There was objection.

Senator Strauss then moved to suspend the regular order of business and take up C. S. H. B. No. 53 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hazlewood	Rogers
Kazen	of Childress
Lane	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Strauss
Moffett	Wagonseller

Nays—6

Aikin	Roberts
Hardeman	Weinert
McDonald	Willis

Absent

Kelley

Absent—Excused

Corbin

The President laid before the Senate on its second reading the following bill:

C. S. H. B. No. 53, A bill to be entitled "An Act to be entitled the Texas Automobile Dealers Licensing Act; defining certain words, prohibiting sale of new and used cars in this State except by persons licensed so to do under the provisions of this Act; providing for the issuance and renewal by the Comptroller of the different types of licenses provided for by this Act; prescribing the eligibility requirements for such licenses; etc.

The bill was read second time.

The President laid before the Senate the following committee amendment:

Amend Committee Substitute for House Bill No. 53 as follows: In Section 4, paragraph 4, beginning with the word "and" in the 6th line of paragraph 4, add a period before the word "and," and delete the rest of paragraph 4.

On motion of Senator Strauss, the amendment was tabled by the following vote:

Yeas—17

Aikin	Fuller
Ashley	Hazlewood
Colson	Kazen

Latimer	Ratliff
Lock	Rogers
Moffett	of Childress
Moore	Rogers of Travis
Parkhouse	Strauss
Phillips	Wagonseller

Nays—10

Bracewell	McDonald
Fly	Owen
Hardeman	Secrest
Lane	Shireman
Martin	Willis

Present—Not Voting

Roberts	Weinert
---------	---------

Absent

Kelley

Absent—Excused

Corbin

(Senator Hardeman in the Chair.)

Senator Strauss offered the following committee amendment to the bill:

Amend Committee Substitute for House Bill No. 53, Section 6, by adding a new paragraph to be known as Subsection 4 to read as follows:

4. When a dealer sells a new or used automobile he must deliver to the purchaser a notarized invoice of his own choice showing:

- Make of automobile.
- Whether car sold new or used.
- Body style.
- Year model.
- Engine number.
- Price of automobile.
- Price of all accessories.
- Total cash delivery price.
- Cash paid on delivery.
- Amount allowed for trade-in, showing year and model of automobile traded in.
- Finance charges.
- Insurance charges. Kind and term of insurance.
- Total time purchase price.

It will be a violation of this Act for any dealer to sell a new or used car and not furnish the customer the above described notarized invoice.

The committee amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend C. S. H. B. 53 by striking out the words "or of any misdemeanor" beginning after the word "felony" in line 54 and ending on line 55, page 8, of printed bill.

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend C. S. H. B. 53 by placing a period after the word "Treasury" in line 59, page 8 of printed bill and by striking the balance of the sentence, and by adding after the word "needed" in line 62, page 8 of printed bill, the words "not to exceed Fifty Thousand Dollars,"

The amendment was adopted.

On motion of Senator Strauss, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to third reading.

#### Record of Vote

Senator Willis asked to be recorded as voting "nay" on the passage of C. S. H. B. No. 53 to third reading.

(President in the Chair.)

#### Committee Substitute House Bill 53 on Third Reading

Senator Strauss moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 53 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—24

Ashley	Owen
Colson	Parkhouse
Fuller	Phillips
Hardeman	Ratliff
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
Moffett	Weinert
Moore	

#### Nays—6

Aikin	McDonald
Bracewell	Roberts
Fly	Willis

#### Absent—Excused

Corbin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Aikin and Willis asked to be recorded as voting "nay" on the final passage of C. S. H. B. No. 53.

#### Senate Bill 443 on First Reading

Senator Martin by unanimous consent, moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

#### Absent—Excused

Corbin

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Martin:

S. B. No. 443, A bill to be entitled "An Act making an appropriation of the sum of Four Hundred and Twenty-five Thousand Dollars (\$425,000) or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of officers and employees of the 54th Legislature and the mileage and per diem of members; to pay any unpaid accounts of the 53rd Legislature; and to pay any unpaid accounts or additional expenses of the Lieutenant Governor while acting as

Governor; and declaring an emergency."

To the Committee on Finance.

**Senate Bill 444 on First Reading**

Senator Secrest by unanimous consent moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

**Absent—Excused**

Corbin

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Secrest and Martin:

S. B. No. 444, A bill to be entitled "An Act providing for constructing and equipping additional buildings for the Waco State Home at Waco, Texas; providing for the appropriation for constructing and equipping said buildings and expenses incidental thereto; providing a repealing clause, a saving clause, and declaring an emergency."

To the Committee on Finance.

**Senate Bill 445 on First Reading**

Senator Owen by unanimous consent, moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

**Absent—Excused**

Corbin

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Owen:

S. B. No. 445, A bill to be entitled "An Act relating to the district courts in El Paso, Hudspeth and Culberson Counties; creating the 144th Judicial District in El Paso County and defining its jurisdiction and terms; providing for selection of the judge of the 144th Judicial District; providing for other officers of the 144th Judicial District; providing for transfer of cases to and from other district courts in El Paso County; changing the terms of court in the 34th, 41st and 65th Judicial Districts; fixing the effective date of the Act; and declaring an emergency."

To the Committee on Judicial Districts.

**Message from the Governor**

The following message, received from the Governor today, was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,  
May 21, 1955.

To the Senate of the Fifty-fourth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Criminal District Attorney of

Cass County: Wesson Bartlett of Linden, Cass County.

Respectfully submitted,  
ALLAN SHIVERS,  
Governor of Texas.

**Conference Committee Report on  
Senate Bill 165**

Senator Hardeman submitted the following Conference Committee Report on S. B. No. 165:

Austin, Texas,  
May 12, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 165, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

HARDEMAN  
LANE  
AIKIN  
ASHLEY  
PARKHOUSE

On the part of the Senate.

SPRING  
SANDERS  
POOL  
SAYERS  
MURPHY

On the part of the House.

S. B. No. 165:

**A BILL  
TO BE ENTITLED**

"An Act amending Section 16 (d), Acts 1929, 41st Legislature, Chapter 314, page 698, as amended by Acts 1931, 42nd Legislature, Chapter 277, page 480, Section 17 (being Article 1690b, Vernon's Penal Code of Texas); and amending Acts 1929, 41st Legislature, Chapter 314, page 698, as amended by Acts 1931, 42nd Legislature, Chapter 277, page 480, Section 17, by adding Section 16 (j), making it unlawful to issue, show, or display, or to enter into a conspiracy or agreement to issue, display, or use a false, or fictitious bill of sale, bill of lading, or manifest on commodities being transported over the highways of this State; providing for each bill of lading and manifest to show the true name and address of consignor, consignee, origin, destination, and exact

description of commodities, goods, wares, or properties transported, or being transported, for hire over the highways of this State; making such bill of lading, manifest, and bill of sale available for inspection upon request of any officer or agent named in Section (d) hereof; authorizing such officers or agents named in Section (d) hereof to impound the commodities being transported and hold same until properly released without any liability against such officer or agent, and providing a penalty therefor; and adding Section 16 (k), authorizing any officer authorized under Section (d) of this Act, upon written authority of the Attorney General or any District Judge of the District Court properly having venue under the laws of this State, to inspect and examine books, records, and accounts of corporations, associations, partnerships, firms, or individuals, and make copies of such books, records, and accounts, and providing a penalty therefor; providing that if any part of this Act is declared unconstitutional, such decision shall not affect the validity of the remaining portions of the Act; and declaring an emergency."

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. That Section 16 (d), Acts 1929, 41st Legislature, Chapter 314, page 698, as amended by Acts 1931, 42nd Legislature, Chapter 277, page 480, Section 17, be and the same is hereby amended so as to read hereafter as follows:

"(d) Any License and Weight Inspector or other peace officer of the Department of Public Safety, shall have the power and authority to make arrests (without warrant) for any violation of this Act except rate violations. (Any authorized Rate Inspector of the Commission shall have power and authority to make arrests for any rate violation occurring under this Act, it being the intent herein to vest in the Department of Public Safety and its License and Weight Division the duty and responsibility for enforcement of the Act for all violations except rate violations, and vest in the Commission the duty and responsibility of enforcement of only rate violations.) It shall be the duty of all judges and prosecuting attorneys of this State to assist in the enforcement of this Act."

Sec. 2. That Section 16, Acts 1929,

41st Legislature, Chapter 314, page 698, as amended by Acts 1931, 42nd Legislature, Chapter 277, page 480, Section 17, be and the same is hereby amended by adding Section (j), which shall read as follows:

"(j) It shall be unlawful for any officer, agent, servant or employee of any corporation, and every other person, to issue, display or use, or to enter into a conspiracy or agreement with any other person, officer, agent, servant and employee of any corporation, to issue, display or use a false or fictitious bill of sale, bill of lading, or manifest on the commodities being transported over the highways of this State. Every bill of lading or manifest shall show the true name and address of the consignor or shipper, the consignee or receiver, the origin, the destination, and an exact description of the commodities, goods, wares, or property transported or being transported for hire or compensation over the highways of this state. Every such bill of lading, manifest, or bill of sale or load of commodities being transported for hire over the highways of this State shall be made available for inspection at any time and place upon the request of any officer or agent authorized to enforce the provisions of this Act under Section (d) hereof, upon the failure of any person to permit inspection of the commodities being transported over the highways of this State under a bill of sale, bill of lading or manifest, shall be empowered to impound the load or commodities being transported and hold same until properly released without any liability whatever against such officer or agent of state or county. And every person who violates any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed Two Hundred (\$200.00) Dollars, and each such transaction shall constitute a separate offense.

No provision of this Act will apply to any person who is engaged in the bona fide business of buying, selling and transporting any product or commodity when such person has in good faith purchased such product or commodity and at the time of and during the transportation thereof such person has and owns title to such product or commodity."

**Sec. 3. That Section 16, Acts 1929** 41st Legislature, Chapter 314, page 698, as amended by Acts 1931, 42nd Legislature, Chapter 277, page 480,

Section 17, be and the same is hereby amended by adding Section (k), which shall read as follows:

"(k) Every corporation, association, partnership, firm or individual shall permit any officer, inspector or agent authorized under Section (d) of this Act, upon written authority of the Attorney General or any District Judge of a District Court properly having venue under the laws of this State, to inspect and examine any of its books, records, accounts, letters, memoranda, documents, checks, vouchers or telegrams and make such copies thereof as may be necessary to show or tend to show that said corporation, its officers, agents or employees, association or partnership or individual has violated any provision of this Act. Every person who fails or refuses to permit such inspection by any duly authorized officer or agent under this Act shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed Two Hundred (\$200.00) Dollars, and each such transaction shall constitute a separate offense."

Sec. 4. Should any section or provision hereof be declared unconstitutional or invalid, such invalidity shall not impair any remaining sections or provisions of this Act, and it is declared to be the legislative intent that this Act would have been passed as to the remaining portions hereof, regardless of the invalidity of any part.

Sec. 5. The fact that there is at this time a great and extensive use being made of the highways of this State for the transportation of property by motor-propelled vehicles; and the further fact that the present law dealing with the enforcement of the laws regulating and controlling such transportation of commodities over the highways of this State is now inadequate to protect the public and to furnish the law enforcement agencies of this State with sufficient authority to properly enforce the laws, creates an emergency and a public necessity requiring the suspension of the constitutional rule which requires all bills to be read in each House on three several days; and that said rule be, and the same is hereby, suspended; and that this Act shall take effect from and after its passage, and it is so enacted.

The report was read and was adopted.

**Adjournment**

On motion of Senator Moffett, the Senate, at 12:25 o'clock p. m., adjourned until 10:30 o'clock a. m., tomorrow.

**SIXTY-SIXTH DAY**

(Tuesday, May 24, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Corbin

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Our Father, make us deeply conscious of the many witnesses watching us, and give us grace to "Lay aside every weight, and the sin that doth so easily best us, and let us run with patience the race that is set before us." May all our good intentions be crowned with success. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leave of Absence**

Senator Corbin was granted leave of absence for today on account of

important business on motion of Senator Moore.

**Reports of Standing Committees**

Senator Hardeman submitted the following reports:

Austin, Texas,  
May 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 267, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 660, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

HARDEMAN, Chairman.

Senator Weinert submitted the following report:

Austin, Texas,  
May 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 857, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

**Senate Bill 446 on First Reading**

Senator Fly moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote: